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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,174	06/24/2003	Shigeru Sugaya	7217/69504	9447

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EXAMINER	
ROSE, KERRI M	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/602,174	SUGAYA, SHIGERU	
	Examiner	Art Unit	
	Kerri M. Rose	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☒ Claim(s) *20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/10/2007 have been fully considered but they are not persuasive. Applicant argues that Dail considers only ATM slots when admitting a new call. If there are not sufficient ATM slots the call is denied. Dail divides the bandwidth into three sections. Both STM and ATM have a small amount of bandwidth guaranteed. The remainder of the bandwidth is put into a pool of available, unassigned bandwidth. This bandwidth may be used by either STM or ATM and is donated back to the pool by either STM or ATM. It is only if this pool is exhausted that a call is rejected, as it must be and would be in every system. A communication system does not exist that can give bandwidth to a call when no bandwidth remains. At least some of the extra, unassigned bandwidth can be deemed as having come from the STM region because it was donated to the pool from the STM region. Further, figure 7 illustrates that reserved, contention free bandwidth is available in the ATM region.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-9, 11-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dail et al. (US 5,570,355).

4. In regards to claim 1 Dail discloses a system for wireless communication (col. 27 lines 3-10) having an asynchronous access region (col. 7 line 44) and a channel-time-allocation access

region (col. 7 line 43), comprising means for initiating information communication in the asynchronous access region (col. 9 line 14-17) and for allocating channel time in excess of a predetermined transmission capacity (col. 9 line 17-20).

5. In regards to claim 2, Dail discloses a system for wireless communication (col. 27 lines 3-10) comprising means for releasing channel time below a predetermined transmission capacity during a channel time allocation communication (fig. 23).

6. In regards to claims 3, 4, and 13 Dail discloses a wireless system (col. 27 lines 3-10), method, and computer program (col. 11 lines 9-11) comprising: request receiving means for receiving at least one of a channel time allocation request and a channel time release request from another wireless communication device in the wireless network (col. 11 lines 41-43); and frame setting means fro setting the asynchronous access region and the channel-time-allocation access region during the predetermined frame period using the received at least one of the channel time allocation request and the channel time release request (col. 11 lines 44 and 45).

7. In regards to claims 5, 9, 14, and 18 Dail discloses a wireless system (col. 27 lines 3-10), method, and computer program (col. 11 lines 9-11) comprising: asynchronous access control means; channel time allocation communication control means; transmission information storing means; transmission capacity determining means; and channel time request means. Figures 11, 12, and column 16 lines 34-57 illustrate the bandwidth controller and how bandwidth is divided between the requesting stations.

8. In regards to claims 7, 11, 16, and 19 Dail discloses a wireless system (col. 27 lines 3-10), method, and computer program (col. 11 lines 9-11) of claims 5, 9, and 14 wherein the channel time request means sends the channel time allocation request to the control station when

the amount of information stored in the transmission information storing means exceed the amount of information determined by the transmission capacity determined means while the channel time allocation communication control means is transmitting the information in the asynchronous access region (fig. 15 and col. 19 lines 1-13).

9. In regards to claims 8, 12, and 17 Dail discloses a wireless system (col. 27 lines 3-10), method, and computer program (col. 11 lines 9-11) of claims 5, 9, and 14 wherein the channel time request means sends the channel time release request to the control station when the amount of information stored in the transmission information storing means is below the amount of information determined by the transmission capacity determined means while the channel time allocation communication control means is transmitting the information in the channel time allocation access region (fig. 23 illustrates the release of call resources).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 6, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dail et al. (US 5,570,355) in view of Lumelsky (US 2004/0166812).

12. In regards to claims 6, 10, and 15 Dail discloses a wireless system (col. 27 lines 3-10), method, and computer program (col. 11 lines 9-11) of claims 5, 9, and 14, but not wherein the transmission capacity of the asynchronous region is determined by dividing an overall bandwidth of the asynchronous region by a number of wireless devices forming the wireless network.

Lumelsky discloses determining the transmission capacity by dividing the overall capacity by the number of devices in the network in paragraph 69.

It would have been obvious to one of ordinary skill in the art to determine the capacity of the region taught by Dail using the method taught by Lumelsky because doing so provides a network that can be flexibly expanding without high costs, as disclosed by Lumelsky in paragraph 26.

Allowable Subject Matter

13. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Rose whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Thursday, 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kmr

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